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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/508,789

09/23/2004

Takashi Nakanishi

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3937

513 7590 10/31/2008

WENDEROTH, LIND & PONACK, L.L.P.

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SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

KAU, STEVEN Y

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/508,789	Applicant(s) NAKANISHI ET AL.	
	Examiner STEVEN KAU	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) 1-30 and 34-74 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/9/2008, 9/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group IV in the reply filed on October 17, 2008 is acknowledged.

Accordingly, claims 1-30 and 34-74 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim.

Thus, claims 31-33 will be further examined in this action.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on June 9, 2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. The information disclosure statement submitted on September 23, 2004 is a duplicate copy of the one submitted on June 9, 2008 and thus it is not being considered by the examiner.

Preliminary Amendment

3. This Office Action acknowledges the preliminary amendment filed on September 23, 2004.

- Claims 23, 27-29, 65 and 69 have been amended to delete the multiple dependencies;
- Claims 71-74 are added new claims.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application NO. 10/508,789 on September 23, 2004.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 31 is rejected under 35 U.S.C. 102(b) as being anticipated by Kageyama (US 6,333,790).

Regarding claim 31.

Kageyama' 790 discloses a communication apparatus (**First and Second computer are connected in a network as shown in Figs 1, 13, 15 and 16**) that is connected to a printing apparatus (**Printer 200 of Figs 1, 13, 15 and 16 is connected in the network to communicate with the computers in the network, col 5, lines 15-20**), comprising: a receiving unit (**e.g. Second Computer 400 of Fig. 1**) operable to

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receive response information transmitted from the printing apparatus (**Kageyama' 790 discloses embodiments teaching the communication between computers 300 and 400 with printer 200; for instance, "the first computer 300 receives information on the occurrence of trouble in the printer engine 2200 and the identification of the trouble from the printer controller 2100, Then, the first computer 300 issues an inquiry to the printer controller 2100 as to a method of coping with the trouble, the printer controller 2100 transmits the contents of the inquiry to the second computer 400", First embodiment, col 10, lines 8-56**); and a display unit (**displays of First and Second computer, col 8, lines 34-40**) operable to display information relating to the printing apparatus based on the received response information (**e.g. "the printer controller 2100 forwards the received reply to the first computer 300. The action of the process 707 is called reply forwarding. It also may be referred to as a formal reply. The first computer 300 display the reply on a screen using the user interface to show the reply to the inquiry to the user which has issued the inquiry", col 10, lines 51-56**).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama (US 6,333,790) as applied to Claim 31 above, and in view of Adams et al (US 5,778,226).

Regarding claim 32 in accordance with claim 31.

Kageyama' 790 does not explicitly disclose wherein the response information has: a field indicating a type of events, a field indicating a type of character codes for a message relating to an event detected by the detecting unit, a field indicating a length of the message, and a variable-length field for storing the message.

Adams' 226 discloses wherein the response information has: a field indicating a type of events, a field indicating a type of character codes for a message relating to an event detected by the detecting unit, a field indicating a length of the message, and a variable-length field for storing the message (**Adams' 226 teaches byte field for memory management system in col 11, line 63 to col 12, line 1 and the field indicate printer out of paper, Table 2, col 57, lines 30-55 and strings for proper carriage return and line feed character in col 43, lines 38-43).**

Having a communication apparatus of Kageyama' 790 reference and then given the well-established teaching of Adams' 226 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication apparatus of Kageyama' 790 reference to include wherein the response information has: a field indicating a type of events, a field indicating a type of character codes for a message relating to an event detected by the detecting unit, a field indicating a length of the message, and a variable-length field for storing the message

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as taught by Adams' 226 reference since doing so would increase the versatility of the communication apparatus of Kageyama' 790 for controlling and managing of network printers and further the services provided could easily be established for one another with predictable results.

Regarding claim 33 in accordance with claim 31.

Kageyama' 790 does not explicitly disclose wherein the display unit displays the message based on the field indicating the type of events and the field indicating the type of character codes which are included in the response information.

Adams' 226 discloses wherein the display unit displays the message based on the field indicating the type of events and the field indicating the type of character codes which are included in the response information (**Adams' 226 discloses byte fields for device control, e.g. information identifying device and device status in col 10, lines 41-50, and col 12, lines 16-20, and displays on computer screen that "OAD Device Driver Initialization", col 20, lines 28-33).**

Having a communication apparatus of Kageyama' 790 reference and then given the well-established teaching of Adams' 226 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication apparatus of Kageyama' 790 reference to include wherein the display unit displays the message based on the field indicating the type of events and the field indicating the type of character codes which are included in the response information as taught by Adams' 226 reference since doing so would be more effectively to enhance the versatility of the communication apparatus of Kageyama' 790 for controlling and

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managing of network printers and further the services provided could easily be established for one another with predictable results.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kau whose telephone number is 571-270-1120 and fax number is 571-270-2120. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Steven Kau/
Examiner, Art Unit 2625
10/25/2008

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625

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